

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

SYLVIA HERNANDEZ, *et al*,

Plaintiffs,

VS.

TEXAS DEPARTMENT OF
TRANSPORTATION, *et al*,

Defendants.

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CIVIL ACTION NO. C-08-33

ORDER OF SEVERANCE

On this day came on to be considered the motion to sever filed by Defendant Texas Department of Transportation (hereinafter, "TXDOT") (D.E. 25). TXDOT's motion to sever is GRANTED in part and DENIED in part, as set forth below.


The Court hereby SEVERES the claims of Plaintiff Sylvia Hernandez from the claims of Plaintiffs Juan Velasco and Loretta Velasco. The claims of Plaintiffs Juan Velasco and Loretta Velasco shall remain pending in Case No. 2:08-cv-33, and the claims of Plaintiff Sylvia Hernandez shall bear a new cause number, to be assigned by the Clerk of Court. The severed case shall bear the caption Sylvia Hernandez v. Texas Department of Transportation, and the original case shall now bear the caption Juan Velasco, et al. v. Texas Department of Transportation. The Court ORDERS that Plaintiff Sylvia Hernandez shall pay a new filing fee for the newly severed case against TXDOT.

The Court ORDERS that the Scheduling Order (D.E. 14), General Order (D.E. 15) and Order for Referral to Mediation (D.E. 16) apply to both the original Case No. 2:08-cv-33 and to the newly severed case. The same holds true for the parties' Joint Discovery/Case Management Plan (D.E. 24), which shall apply to the original and newly severed cases. The Clerk of Court is

instructed to file copies of the Scheduling Order (D.E. 14), General Order (D.E. 15), Order for Referral to Mediation (D.E. 16) and the parties' Joint Discovery/Case Management Plan (D.E. 24) in the newly severed case, Sylvia Hernandez v. Texas Department of Transportation.

The Court also ORDERS that discovery shall be shared in the original and newly severed cases, and that TXDOT is granted leave to be represented by Assistant Attorney General Henry De La Garza in the newly severed case. Finally, the Court ORDERS that Plaintiff Sylvia Hernandez must file an amended complaint in the newly severed case, Sylvia Hernandez v. Texas Department of Transportation.¹ Ms. Hernandez' amended complaint must be filed by Monday, April 28, 2008.

SIGNED and ORDERED this 11th day of April, 2008.


Janis Graham Jack
United States District Judge

¹Ms. Hernandez is hereby granted leave to file her amended complaint.